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U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

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14 vs.

15 DALE GORDON BLACK,

16 Defendant.

4:18-CR-6029-SMJ EFS

Plea Agreement
Rule 11(c)(1)(C)

19 Plaintiff, United States of America, by and through Joseph H. Harrington,
20 United States Attorney for the Eastern District of Washington, and Laurel J. Holland,
21 and Alison L. Gregoire, Assistant United States Attorneys for the Eastern District of
22 Washington, and the State of Washington by and through Andy Miller, Benton
23 County Prosecuting Attorney, and Anita I. Petra, Deputy Prosecutor for Benton
24 County, and Defendant, DALE GORDON BLACK, and Defendant's counsel, Scott
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1 W. Johnson, agree to the following Plea Agreement pursuant to Federal Rule of
2 Criminal Procedure 11(c)(1)(C):

3 Introduction

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5 Defendant, DALE GORDON BLACK, is presently charged in the Eastern
6 District of Washington by Indictment, filed on June 5, 2018, in case number 4:18-CR-
7 6029-SMJ, with Production of Child Pornography, in violation 18 U.S.C. § 2251(a),
8 in Counts One, Two, and Three, Transportation of Minors for Illegal Sexual Activity,
9 in violation of 18 U.S.C. § 2423(a), in Count Four, Receipt of Child Pornography, in
10 violation of 18 U.S.C. § 2252A(a)(2), in Count Five, Distribution of Child
11 Pornography, in violation of 18 U.S.C. § 2252A(a)(2), in Count Six, and Possession of
12 Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), in Count Seven.
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15 Defendant is also charged by the State of Washington, in and for the County of
16 Benton. Defendant is charged by First Amended Information (case number 17-1-
17 00383-6), filed on October 24, 2018, with Rape of a Child in the First Degree, in
18 violation of RCW 9A.44.073 (Count 1), Child Molestation in the First Degree, in
19 violation of RCW 9A.44.083 (Count 2), and Child Molestation in the Third Degree, in
20 violation of RCW 9A.44.089 (Count 3).
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23 Defendant wishes to resolve all of these pending federal and state charges as
24 part of a single, global resolution. The United States Attorney's Office for the Eastern
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1 District of Washington and the Benton County, Washington, Prosecuting Attorney's
2 Office agree to such a resolution, as set forth herein.

3 1. Guilty Pleas and Maximum Statutory Penalties
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5 A. Federal Charges:

6 Defendant, DALE GORDON BLACK, agrees to plead guilty to Production of
7 Child Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One,
8 Two, and Three, of the Indictment, filed on June 5, 2018.
9

10 Defendant understands that each count of Production of Child Pornography
11 carries a maximum penalty of not less than fifteen (15) years nor more than thirty (30)
12 years imprisonment, a fine not to exceed \$250,000, a term of supervised release of not
13 less than five (5) years up to life, and a \$100 special penalty assessment. Defendant
14 also understands that these penalties can be ordered to be served consecutively.
15

16 Pursuant to the Justice for Victims of Trafficking Act of 2015, upon conviction,
17 an additional mandatory special assessment of \$5,000 must also be imposed unless the
18 sentencing court finds Defendant to be indigent.
19

20 Defendant understands that a violation of a condition of supervised release
21 carries an additional penalty of re-imprisonment for all or part of the term of
22 supervised release without credit for time previously served on post-release
23 supervision.
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1 B. Washington State Charges:

2 Defendant, DALE GORDON BLACK, also agrees to plead guilty in the
3 Superior Court of the State of Washington in and for the County of Benton, to Counts
4 One through Three of the First Amended Information filed in case number 17-1-
5 00383-6, filed on October 24, 2018, specifically Rape of a Child in the First Degree
6 (Count One), Child Molestation in the First Degree (Count Two) and Child
7 Molestation in the Third Degree (Count Three). The Washington State charges will
8 be resolved by separate plea agreement, to be filed with the Benton County,
9 Washington, Superior Court. Pursuant to that agreement, the State of Washington
10 agrees to recommend a term of imprisonment of no more than 35 years to run
11 concurrent to the federal sentence.
12

13 2. Fed. R. Crim. P. 11(c)(1)(C) Plea:

14 The United States and Defendant agree that this Plea Agreement is entered
15 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to
16 a term of 15 to 35 years of imprisonment per count in the above captioned federal case
17 for Production of Child Pornography in Counts One, Two, and Three, to run
18 concurrently.
19

20 Defendant understands that this is a Plea Agreement pursuant to Fed. R. Crim.
21 P. 11(c)(1)(C). The United States may withdraw from this Plea Agreement if the
22 Court imposes a sentence less than 15 years. Defendant further understands that
23

1 Defendant will have the option to withdraw from this Plea Agreement if the Court
2 imposes a sentence greater than 35 years.

3 3. Waiver of Constitutional Rights
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5 Defendant, DALE GORDON BLACK, understands that by entering this plea of
6 guilty, Defendant is knowingly and voluntarily waiving certain constitutional rights,
7 including:

- 8
- 9 (a) The right to a jury trial;
 - 10 (b) The right to see, hear and question the witnesses;
 - 11 (c) The right to remain silent at trial;
 - 12 (d) The right to testify at trial; and
 - 13 (e) The right to compel witnesses to testify.
- 14

15 While Defendant is waiving certain constitutional rights, Defendant understands
16 Defendant retains the right to be assisted through the sentencing and any direct appeal
17 of the conviction and sentence by an attorney, who will be appointed at no cost if
18 Defendant cannot afford to hire an attorney. Defendant also acknowledges that any
19 pretrial motions currently pending before the Court are waived.
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22 4. Elements of the Offenses
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24 A. Production of Child Pornography (Counts One, Two, and Three)

25 The United States and Defendant agree that in order to convict Defendant of
26 Production of Child Pornography (Counts One, Two, and Three), in violation of 18
27

1 U.S.C. § 2251(a), the United States would have to prove beyond a reasonable doubt
2 the following elements:

- 3 (a) First: At the time of the offenses charged in the Indictment, the
4 minors identified as Victim A, Victim B, and Victim C, were under
5 the age of eighteen;
6
7 (b) Second: On or about the dates charged in the Indictment, in the
8 Eastern District of Washington, Defendant employed, used,
9 persuaded, induced or enticed each minor victim to take part in
10 sexually explicit conduct for the purpose of producing a visual
11 depiction of such conduct;
12
13 (c) Third: The visual depictions were produced using materials that
14 had been mailed, shipped, or transported across state lines or in
15 foreign commerce.
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18 5. Factual Basis and Statement of Facts:
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20 The United States and Defendant stipulate and agree that the following facts are
21 accurate; that the United States could prove these facts beyond a reasonable doubt at
22 trial; and that these facts constitute an adequate factual basis for DALE GORDON
23 BLACK'S guilty plea. This statement of facts does not preclude either party from
24 presenting and arguing, for sentencing purposes, additional facts which are relevant to
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1 the sentencing guideline computations or sentencing, unless otherwise prohibited by
2 this agreement.

3 On July 18, 2017, undercover Federal Bureau of Investigation (hereinafter
4 “FBI”) agents downloaded a partial child pornography video from IP address
5 71.80.158.80 using a peer-to-peer file sharing program. The video was titled,
6 “Bacanal de Adolescentes,” and depicted a 10 to 12 year old juvenile male
7 throughout several years of his life, engaged in various sex acts including vaginal and
8 oral sex with various females. Agents traced the origin of the IP address to Charter
9 Communications in Kennewick, Washington, and served an administrative subpoena
10 upon the company.
11

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14 On August 3, 2017, the agents received a response from Charter
15 Communications, indicating Defendant, DALE GORDON BLACK, was the assigned
16 subscriber from the aforementioned IP address from February 15, 2017, through July
17 24, 2017, at 3121 West 30th Avenue, Apartment N102, in Kennewick, Washington.
18 The response also included an email address and phone number for Defendant. The
19 agents queried local law enforcement databases for information regarding Defendant
20 and learned Defendant had been arrested on April 20, 2017, in Benton County,
21 Washington, for sexual offenses against children, specifically, Rape of a Child in the
22 First Degree, Child Molestation in the First Degree, and Child Molestation in the
23 Third Degree (two counts).
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1 On August 14, 2017, the agents obtained a federal search warrant for the
2 Defendant's residence at 3121 West 30th Avenue, Apartment N102, in Kennewick,
3 Washington. On August 15, 2017, the agents executed the search warrant and located
4 Defendant in the residence. During the course of the execution of the search warrant,
5 agents located and seized multiple electronic devices, including computers, SD cards,
6 a hard drive, and a phone.
7

8 The seized devices were forensically examined. The forensic examiner located
9 child pornography images and videos of minor males on two electronic devices
10 located in Defendant's residence including a Dell desktop computer, Model XPS 8500
11 (Serial Number HDLC4V1), and an Apple iPhone 6, Model A1549 (IMEI Number
12 354406064655583). Specifically, the forensic examiner located child pornography
13 images of Victims A, B, and C, on Defendant's Dell desktop computer. The images
14 depicted the lascivious exhibition of the genitals of each victim at the time s/he was a
15 minor, as well as some of the minor victims involved in sex acts, as further described
16 below.
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21 Minor Victim A

22 Beginning on or about January 1, 2002, and continuing through on or about
23 December 31, 2005, Defendant produced images depicting the lascivious exhibition of
24 Minor A's genitals
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1 at Defendant's residence in Kennewick, Washington. Defendant knew Victim A was
2 a minor at the time he produced child pornography images of Victim A. Defendant
3 also sexually abused Victim A.
4

5 Defendant was a close friend of Victim A's family and engaged in extensive
6 grooming behaviors with Victim A, including buying him gifts and taking him on
7 overnight trips. Victim A was in the Defendant's care, custody, and control, when
8 Defendant produced the child pornography images depicting Victim A.
9

10 Minor Victim B

11 Beginning on or about October 1, 2014, and continuing through on or about
12 June 3, 2016, Defendant produced images depicting the lascivious exhibition of
13 Victim B's genitals and Victim B masturbating at Defendant's residence in
14 Kennewick, Washington. Defendant also produced images of Victim B engaged in
15 sexual intercourse with Victim C in a hotel in Oregon. Defendant knew Victim B was
16 a minor at the time he produced child pornography images of Victim B.
17

18 Defendant met Victim B through a local mentoring program called "Ignite
19 Youth Mentoring." The program focused on serving at risk elementary and middle
20 school youth. Defendant mentored Victim B, and met Victim C through Victim B.
21

22 On or about August 4, 2015, and continuing through on or about August 6,
23 2015, Defendant transported minor Victim B and minor Victim C to Oregon. Agents
24 found spreadsheets corroborating the trip, as well as child pornography images of both
25
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1 victims in the hotel room in Oregon. Defendant transported the minor victims to
2 Oregon in a 2015 Subaru Legacy vehicle (VIN:4S3BNAN68F3057860). Victim B
3 was in the Defendant's care, custody, and control, when Defendant produced the child
4 pornography images depicting Victim B.
5

6 Minor Victim C

7 Beginning on or about February 16, 2015, and continuing through on or about
8 October 8, 2016, Defendant produced images depicting the lascivious exhibition of
9 Victim C's genitals and Victim C masturbating at Defendant's residence in
10 Kennewick, Washington. Defendant also produced images of Victim C engaging in
11 sexual intercourse with Victim B at a hotel in Oregon. Defendant knew Victim C was
12 a minor at the time he produced child pornography images of Victim C. Victim C was
13 in the Defendant's care, custody, and control, when Defendant produced the child
14 pornography images depicting Victim C.
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18 Review and Storage of Child Pornography

19 The forensic examiner located approximately 664 child pornography images
20 and seven (7) child pornography videos on Defendant's electronic devices, including
21 known child pornography series images and images Defendant produced of Victims
22 A, B and C. Defendant agrees and stipulates that he produced, viewed, and stored
23 child pornography images in his residence, located at 3121 West 30th Avenue,
24 Apartment N102, in Kennewick, Washington. Defendant further agrees and stipulates
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1 that he utilized the following devices to produce, view, distribute, or possess child
2 pornography images: Dell Desktop Computer Model XPS 8500 (Serial Number
3 HDLC4V1), Apple iPhone 6, Model A1549 (IMEI Number 354406064655583),
4 Apple iMac Computer Model, A1419 (Serial Number WCC4M2XUKZ9D), and
5 Western Digital My Book HD External Hard Drive (Serial Number
6 WCC4M2XUKZ9D).
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9 The Dell desktop computer, Model XPS 8500 (Serial Number HDLC4V1), and
10 Apple iPhone 6, Model A1549 (IMEI Number 354406064655583), and/or said
11 devices' component parts, utilized by Defendant to produce the child pornography
12 images of Victims A, B, and C, were mailed, shipped or transported in interstate or
13 foreign commerce.
14

15 6. The United States Agrees:

16 (a) Dismissal(s):
17

18 At the time of sentencing, the United States agrees to move to dismiss Counts
19 Four through Seven of the Indictment, which charge Defendant with Transportation of
20 Minors for Illegal Sexual Activity, in violation of 18 U.S.C. § 2423(a), Receipt of
21 Child Pornography, in violation of 18 U.S.C. 2252A(a)(2), Distribution of Child
22 Pornography, in violation of 18 U.S.C. 2252A(a)(2), and Possession of Child
23 Pornography, in violation of 18 U.S.C. 2252A(a)(5)(B), respectively.
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1 (b) Not to File Additional Charges:

2 The United States Attorney's Office for the Eastern District of Washington
3 agrees not to bring any additional charges against Defendant based upon information
4 in its possession at the time of this Plea Agreement unless Defendant breaches this
5 Plea Agreement any time before or after sentencing.
6

7 7. United States Sentencing Guideline Calculations:

8 Defendant understands and acknowledges that the United States Sentencing
9 Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that the Court will
10 determine Defendant's applicable sentencing guideline range at the time of
11 sentencing.
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14 (a) Base Offense Level: Production of Child Pornography
15 (Counts One, Two, and Three)

16 The United States and Defendant agree that the base offense level for
17 Production of Child Pornography is 32. U.S.S.G. § 2G2.1(a).
18

19 (b) Specific Offense Characteristics: Production of Child Pornography
20 (Counts One, Two, and Three)

21 Defendant and the United States agree and stipulate that the following specific
22 offense characteristics are applicable to Counts One, Two, and Three.

23 The offense level will be increased by four (4) levels because the minor victims
24 had not attained the age of 12 years. U.S.S.G. §2G2.1(b)(1)(A).
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1 The offense level will be increased two (2) levels because the offense involved
2 the commission of sexual contact or a sexual act. U.S.S.G. §2G2.1(b)(2)(A).

3 The offense will be increased by two (2) levels because the minor victims were
4 in the care, custody or supervisory control of Defendant. U.S.S.G. §2G2.1(b)(5).
5

6 (c) Multiple Count Analysis

7 The United States and Defendant agree and stipulate that the counts of
8 conviction do not group.
9

10 (d) Repeat and Dangerous Sex Offender Against Minors

11 Defendant stipulates and agrees Counts One, Two, and Three are covered sex
12 crimes and that he engaged in a pattern of activity involving prohibited sexual
13 conduct, thereby increasing the offense level by five (5) levels. U.S.S.G. §
14 4B1.5(b)(1).
15

16 (e) Acceptance of Responsibility:

17 If Defendant pleads guilty and demonstrates a recognition and affirmative
18 acceptance of personal responsibility for the criminal conduct; provides complete and
19 accurate information during the sentencing process; does not commit any obstructive
20 conduct; and accepts this Plea Agreement; the United States will move for a three (3)
21 level downward adjustment in the offense level for Defendant's timely acceptance of
22 responsibility, pursuant to U.S.S.G. § 3E1.1(a) and (b).
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1 Defendant and the United States agree that the United States may at its option
2 and upon written notice to Defendant, not recommend a three (3) level downward
3 adjustment for acceptance of responsibility if, prior to the imposition of sentence,
4 Defendant is charged or convicted of any criminal offense whatsoever or if Defendant
5 tests positive for any controlled substance.
6

7 (f) Criminal History:
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9 The United States and Defendant understand that Defendant's criminal history
10 computation is tentative and that ultimately Defendant's criminal history category will
11 be determined by the Court after review of the Presentence Investigation Report. The
12 United States and Defendant have made no agreement and make no representations as
13 to the criminal history category, which shall be determined after the Presentence
14 Investigation Report is completed.
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17 8. Term of Imprisonment:

18 The United States and Defendant agree that this Plea Agreement is entered
19 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to
20 15 to 35 years of imprisonment for Production of Child Pornography, pursuant to
21 Counts One, Two, and Three of the Indictment, to run concurrently, and to be
22 followed by a lifetime term of supervised release. It is the intent of the parties that
23 these terms of imprisonment shall be served in federal prison. If the Court does not
24 accept the plea or chooses to sentence Defendant to a greater or lesser sentence than
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1 the United States and Defendant have agreed upon, Defendant and the United States
2 may each withdraw from the plea agreement, and this agreement is null and void.

3 Defendant and the Benton County Prosecutor's Office agree, upon Defendant's
4 plea of guilty to Counts One through Three of the First Amended Information filed in
5 case number 17-1-00383-6, specifically Rape of a Child in the First Degree (Count
6 One), Child Molestation the First Degree (Count Two), and Child Molestation in the
7 Third Degree (Count Three), to recommend a sentence of 15 to 35 years of
8 incarceration, to be served concurrently with the federal sentences arising out of the
9 Eastern District of Washington, and to recommend that the sentences be served in
10 federal prison.
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14 9. Criminal Fine:

15 The United States and Defendant are free to make whatever recommendation
16 concerning the imposition of a criminal fine that they believe is appropriate.
17

18 10. Supervised Release:

19 The United States and Defendant agree to recommend a lifetime term of
20 supervised release be imposed in the instant case.
21

22 11. Restitution:

23 The United States and Defendant hereby stipulate and agree pursuant to 18
24 U.S.C. §§ 2259, 3663, 3663A and 3664, the Court should order restitution to Victims
25 A, B, and C for the full amount of the victims' losses. The United States and
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1 Defendant hereby stipulate and agree that Victim A, Victim B, and Victim C, suffered
2 harm from actual sexual abuse caused by the Defendant. The Defendant hereby
3 stipulates and agrees to pay Victim A, Victim B, and Victim C, restitution for any
4 harm proximately caused by Defendant's offenses of conviction. The Defendant
5 further agrees and stipulates to pay restitution to Victim D, the victim of Defendant's
6 conduct as charged in Count ³⁷²⁷⁵ 3 ~~and 4~~ of the Benton County Information.

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9 The United States and Defendant hereby stipulate and agree that pursuant to 18
10 U.S.C. § 2259, the Court shall order restitution "Victims" may include legal guardians
11 or others in the case of a minor victim per 18 U.S.C. § 2259(c). The United States
12 and Defendant also hereby stipulate and agree that the Court shall order full restitution
13 to any entity, organization, insurance company, individual(s), and/or medical
14 providers who provided medical services and/or funds related to the treatment of the
15 victims.
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18 Defendant understands and agrees that the Court, in addition to any other
19 penalty, the Court may order Defendant to make restitution to any other victims of the
20 offenses, pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged,
21 whether or not Defendant enters a plea of guilty to such counts, and whether or not
22 such counts are dismissed pursuant to this agreement. The parties agree that
23 restitution should first be made to the victims (Victims A, B, C and D) of Defendant's
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1 offenses of conviction. After such restitution is complete, restitution will be paid to
2 the remaining victims.

3 Until a fine or restitution order is paid in full, Defendant agrees fully to
4 disclose all assets in which Defendant has any interest or over which Defendant
5 exercises control, directly or indirectly, including those held by a spouse, nominee or
6 third party. Defendant agrees to truthfully complete the Financial Disclosure
7 Statement that will be provided by the earlier of 30 days from Defendant's signature
8 on this plea agreement or the date of Defendant's entry of a guilty plea, sign it under
9 penalty of perjury and provide it to both the United States Attorney's Office and the
10 United States Probation Office. Defendant expressly authorizes the U.S. Attorney's
11 Office to obtain a credit report on Defendant upon the signing of this Plea Agreement.
12
13 Until such time as the fine or restitution order is paid in full, Defendant agrees to
14 provide waivers, consents or releases requested by the U.S. Attorney's Office to
15 access records to verify the financial information. The parties agree that Defendant's
16 failure to timely and accurately complete and sign the Financial Disclosure Statement,
17 and any update thereto, may, in addition to any other penalty or remedy, constitute
18 Defendant's failure to accept responsibility under U.S.S.G § 3E1.1.

19
20 Defendant understands and agrees that the government may enforce collection
21 of any fine or restitution imposed in this case pursuant to 18 U.S.C. §§ 3572, 3613 and
22 3664(m), including, but not limited to, garnishment and execution, notwithstanding
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1 any initial or subsequently modified payment schedule set by the court, in order to
2 ensure that Defendant's restitution obligation is satisfied. Defendant understands that
3 any monetary debt defendant owes related to this matter may be included in the
4 Treasury Offset Program (TOP) to potentially offset Defendant's federal retirement
5 benefits, tax refunds, and other federal benefits.
6

7 Defendant agrees to notify the Financial Litigation Unit of the United States
8 Attorney's Office before defendant transfers any interest in property with a value
9 exceeding \$1,000 owned directly or indirectly, individually or jointly, by Defendant,
10 including any interest held or owned under any name, including trusts, partnerships
11 and corporations. Further, pursuant to 18 U.S.C. § 3664(k), Defendant shall notify the
12 court and the U.S. Attorney's Office within a reasonable period of time, but no later
13 than 10 days, of any material change in Defendant's economic circumstances that
14 might affect defendant's ability to pay restitution, including, but not limited to, new or
15 changed employment, increases in income, inheritances, monetary gifts or any other
16 acquisition of assets or money.
17

18 Pursuant to 18 U.S.C. § 3612(b)(1)(F) Defendant understands and agrees that
19 until a fine or restitution order is paid in full, Defendant must notify the United States
20 Attorney's Office of any change in the mailing address or residence address within 30
21 days of the change.
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12. Mandatory Special Penalty Assessment:

Defendant agrees to pay the \$300 mandatory special penalty assessment to the Clerk of Court for the Eastern District of Washington, at or before sentencing, pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United States before sentencing as proof of this payment.

13. Payments While Incarcerated:

If Defendant lacks the financial resources to pay the monetary obligations imposed by the Court, Defendant agrees to earn the money to pay toward these obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

14. Judicial Forfeiture:

The Defendant, DALE GORDON BLACK, agrees to voluntarily forfeit and relinquish all right, title and interest in all assets listed herein to the United States, and hereby agrees to execute any and all forms and pleadings necessary to effectuate such forfeiture of assets, including, but not limited to the following:

DIGITAL DEVICES/COMPUTERS/PERIPHERALS

Any and all digital devices and peripherals, computers, external hard drives, iPads, phones, and cameras, including but not limited to the following listed assets:

-Dell Desktop Computer Model XPS 8500, Serial Number HDLC4V1

-Apple iPhone 6, Model A1549, IMEI Number 354406064655583

1 -Apple iMac 27 inch Computer Model, A1419, Serial Number
2 WCC4M2XUKZ9D

3 -Western Digital My Book HD External Hard Drive, Serial Number
4 WCC4M2XUKZ9D

5 CONVEYANCES

6 -2015 Subaru Legacy, VIN: 4S3BNAN68F3057860, Washington License Plate:
7 AUX4435

8 CASH IN LIEU

9 The Defendant agrees to remit to the United States, at the change of plea or at
10 or before sentencing, \$185,900.00 in U.S. funds in the form of a cashier's check
11 made payable to the "United States Marshal's Service," in lieu of forfeiture of
12 the below-described real property:

13 All that lot or parcel of land, together with its buildings, appurtenances,
14 improvements, fixtures, attachments and easements, known as 3121 West
15 30th Avenue, Building N, Unit 102, Kennewick, Washington, legally
described as follows:

16 Section 15, Township 8, Range 29, Quarter NE: Plat Subdivision
17 RIDGELINE AT CANYON LAKES, Lot 20, Recorded April 4,
18 2007, AF#2007-010335.

19 APN 115891190000020

20 If the Defendant timely remits the \$185,900.00, the United States will release
21 the lis pendens currently recorded against the real property.
22

23 The Defendant stipulates and agrees that if the \$185,900.00 in lieu of forfeiture
24 is not provided as agreed herein, the real property located at 3121 West 30th Avenue,
25 Building N, Unit 102, Kennewick, Washington, legally described above, will be
26 forfeited to the United States, and Defendant will execute any pleadings necessary to
27

1 complete such forfeiture to the United States in any judicial forfeiture proceeding,
2 whether civil or criminal.

3 The Defendant stipulates that he is the sole owner of the assets identified in this
4
5 Plea Agreement and that no one else has an interest in the assets.

6 The Defendant stipulates and acknowledges that the assets listed above that the
7 Defendant is agreeing to forfeit are subject to forfeiture pursuant to 18 U.S.C. §
8 2253(a) and (b), as property used or intended to be used in any manner or part to
9 commit or to facilitate the commission of the offense Production of Child
10 Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One, Two, and
11 Three, of the Indictment to which Defendant is pleading guilty.
12

13
14 The Defendant agrees to take all steps as requested by the United States to pass
15 clear title to the assets to the United States, and to testify truthfully in any forfeiture
16 proceeding.
17

18 The Defendant agrees to hold all law enforcement agents/officers, and the
19 United States, its agents, and its employees harmless from any claims whatsoever
20 arising in connection with the seizure and forfeiture of any asset covered by this
21 agreement.
22

23 The Defendant waives further notice of any federal, state or local proceedings
24 involving the forfeiture of the seized assets the Defendant is agreeing to forfeit in this
25 Plea Agreement.
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1 The Defendant further agrees to waive all constitutional, equitable and statutory
2 challenges in any manner (including direct appeal, habeas corpus, or any other means)
3 to any forfeiture carried out in accordance with this Plea Agreement on any grounds,
4 including that the forfeiture constitutes an excessive fine or punishment. Defendant
5 waives any challenges or claims that the indictment lacked sufficient notice to the
6 Defendant that the Government sought forfeiture of the property listed above for the
7 counts to which Defendant pleads guilty. Defendant knowingly and voluntarily
8 waives his right to a jury trial on the forfeiture of the asset(s). Defendant waives oral
9 pronouncement of forfeiture at the time of sentencing, and any defects that may
10 pertain to the forfeiture.
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13 Non-Abatement of Criminal Forfeiture

14 Defendant agrees that the forfeiture provisions of this plea agreement are
15 intended to, and will, survive him, notwithstanding the abatement of any underlying
16 criminal conviction after the execution of this agreement. The forfeitability of any
17 particular property pursuant to this agreement shall be determined as if Defendant had
18 survived, and that determination shall be binding upon Defendant's heirs, successors
19 and assigns until the agreed forfeiture is collected in full.
20
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22 15. Additional Violations of Law Can Void Plea Agreement:

23 Defendant and the United States agree that the United States may at its option
24 and upon written notice to Defendant, withdraw from this Plea Agreement or modify
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1 its recommendation for sentence if, prior to the imposition of sentence, Defendant is
2 charged or convicted of any criminal offense whatsoever or if Defendant tests positive
3 for any controlled substance.
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5 16. Appeal Rights:

6 Defendant understands that he has a limited right to appeal or challenge the
7 conviction and sentence imposed by the Court. If the Court imposes a sentence of not
8 more than 35 years imprisonment, Defendant hereby expressly waives his right to
9 appeal his conviction and the sentence the Court imposes, including any restitution
10 order up to a total of \$100,000 and any order of supervised release. Defendant further
11 expressly waives his right to file any post-conviction motion attacking his conviction
12 and sentence, including a motion pursuant to 28 U.S.C. § 2255, except one based upon
13 ineffective assistance of counsel based on information not now known by Defendant
14 and which, in the exercise of due diligence, could not be known by Defendant by the
15 time the Court imposes the sentence.
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19 17. Notice of Sex Offender Registration:

20 Defendant has been advised and understands, that as a convicted sex offender,
21 under the Sex Offender Registration and Notification Act, a federal law, Defendant
22 must register and keep the registration current in each of the following jurisdictions:
23 the location of Defendant's residence, the location of Defendant's employment; and, if
24 Defendant is a student, the location of Defendant's school. Registration will require
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1 that Defendant provide information that includes name, residence address, and the
2 names and addresses of any places at which Defendant is or will be an employee or a
3 student. Defendant understands that he must update his registrations not later than
4 three business days after any change of name, residence, employment, or student
5 status. Defendant understands that failure to comply with these obligations subjects
6 Defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250,
7 which is punishable by a fine or imprisonment, or both.
8
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10 18. Integration Clause:

11 The United States and Defendant acknowledge that this document constitutes
12 the entire Plea Agreement between the United States and Defendant, and no other
13 promises, agreements, or conditions exist between the United States and Defendant
14 concerning the resolution of the case. This Plea Agreement is binding only upon the
15 United States Attorney's Office for the Eastern District of Washington, and cannot
16 bind other federal, state or local authorities, except as specifically stated herein with
17 regard to the Benton County Prosecutor's Office. The United States and Defendant
18 agree that this agreement cannot be modified except in a writing that is signed by the
19 United States and Defendant.
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Approvals and signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

JOSEPH H. HARRINGTON
United States Attorney

LAUREL J. HOLLAND
Assistant U.S. Attorney

Date

12/18/18

Agreed and submitted on behalf of the Benton County Prosecutors Office.

ANDY MILLER
Benton County Prosecuting Attorney

ANITAL PETRA
Benton County Deputy Prosecutor

Date

12/18/18

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

DALE GORDON BLACK
Defendant

Date

Approvals and signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

JOSEPH H. HARRINGTON
United States Attorney

LAUREL J. HOLLAND
Assistant U.S. Attorney

Date

Agreed and submitted on behalf of the Benton County Prosecutors Office.

ANDY MILLER
Benton County Prosecuting Attorney

ANITA I. PETRA
Benton County Deputy Prosecutor

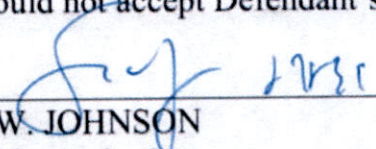
Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

DALE GORDON BLACK
DALE GORDON BLACK
Defendant

12-6-18
Date

1 I have read this Plea Agreement and have discussed the contents of the
2 agreement with my client. The Plea Agreement accurately and completely sets forth
3 the entirety of the agreement between the parties. I concur in my client's decision to
4 plead guilty as set forth in the Plea Agreement. There is no legal reason why the
5 Court should not accept Defendant's plea of guilty.
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9 SCOTT W. JOHNSON
Attorney for Defendant

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Date 12/18/18